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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,723	12/05/2001	Mika Forssell	874.0104.U1(US)	1186
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HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER CHANG, RICHARD	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,723

Applicant(s)

FORSELL, MIKA

Examiner

Richard Chang

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-15, 19-21 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 7-9, 16-18, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/10, 6/20/03
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

2. Step reference numbers A,B,C mentioned in Fig. 3 are identical to step reference number A,B,C in Fig. 2. These same step reference numbers A,B,C in Fig. 2 and in Fig. 3 would be confused in the specification. These step reference numbers A,B,C in Fig. 3 should be different from step reference numbers [A..F] already assigned in Fig. 2.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent No. 6,597,920 ("Yegani et al.").

Art Unit: 2663

Regarding claims 1 and 11, Yegani et al. teach a system and method for priority access for mobile station (MS3) changing from a current cell (C1) to a new cell (C4) in a radio network, comprising:

entering the new cell (C4) (See Fig. 1, Col. 4, lines 33-48),

generating a cell change packet data unit (PDU) message for informing the network of the location of the mobile station (MS3) in the new cell (C4) (See Fig. 2, Col. 5, line 66 to Col. 6, line 10),

buffering the cell change PDU message (highest priority level as emergency) into a PDU transmit queue before any buffered PDUS that were present before the mobile station entered the new cell (See Fig. 3, Col. 10, line 66 to Col. 11, line 10), and

transmitting the buffered cell change PDU (highest priority level) before any of the buffered PDUS that were present before the mobile station entered the new cell (See Fig. 4, Col. 12, line 5-15).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6,10,12-15,19-21 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,597,920 ("Yegani et al.") in view of US patent application publication US 2002/0082033 A1 ("Lohtia et al.").

Regarding Claim 20, as discussed above, Yegani et al. teaches substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

“prior to the SGSN receiving a communication from the MS, notifying the SGSN of the MS cell change”.

Lohtia et al. teach a GPRS based uplink/downlink packet radio communication method including MS and SGSN both with LLC, RLC/MAC layer functions wherein SGSN manages communication in the coverage area for the MS's cell change (See Fig. 1, page 2, paragraph [0020]).

A person of ordinary skill in the art would have been motivated to employ Lohtia et al. in Yegani et al. in order to obtain a method for priority access for mobile station changing from a current cell to a new cell in a wireless network and to take advantage of that the SGSN manages communication in the coverage area for the MS's cell change in claim 20.

The suggestion/motivation to do so would have been to have the SGSN manages communication in the coverage area for the MS's cell change, as suggested by Lohtia et al. in page 2, paragraph [0020]. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Lohtia et al. with the Yegani et al. to obtain the inventions specified in claim 20.

Regarding claims 2 and 12, these claims have limitations that is similar to those of claims 1 and 11, thus it is rejected with the same rationale applied against claims 1 and 11 above.

Regarding claims 3 and 13, these claims have limitations that is similar to those of claims 1 and 11, thus it is rejected with the same rationale applied against claims 1 and 11 above.

Regarding claim 4, this claim has limitations that is similar to those of claims 1, thus it is rejected with the same rationale applied against claim 1 above.

Regarding claims 5 and 14, these claims have limitations that is similar to those of claims 1 and 11, thus it is rejected with the same rationale applied against claims 1 and 11 above.

Regarding claims 6 and 15, these claims have limitations that is similar to those of claims 1 and 11, thus it is rejected with the same rationale applied against claims 1 and 11 above.

Regarding claims 10 and 19, these claims have limitations that is similar to those of claims 1 and 11, thus it is rejected with the same rationale applied against claims 1 and 11 above.

Regarding claim 21, this claim has limitations that is similar to those of claims 20, thus it is rejected with the same rationale applied against claim 20 above.

Regarding claim 24, this claim has limitations that is similar to those of claims 20, thus it is rejected with the same rationale applied against claim 20 above.

Regarding claim 25, this claim has limitations that is similar to those of claims 20, thus it is rejected with the same rationale applied against claim 20 above.

Regarding claim 26, this claim has limitations that is similar to those of claims 20, thus it is rejected with the same rationale applied against claim 20 above.

Regarding claim 27, these claims have limitations that is similar to those of claims 1 and 20 and Yegani et al. further teaches that method for organizing packet data units into a transmit queue, comprising:

passing a PDU to a Radio Link Control (RLC unit, the PDU having a flag (indicative number) for indicating a priority of the PDU relative to other PDUS, storing the PDU into the transmit queue in accordance with the indicated priority, and

transmitting the stored PDU to a radio channel before any stored PDUS having a lower priority (See Fig. 3, Col. 10, line 53 to Col. 11, line 10), thus it is rejected with the same rationale applied against claims 1 and 20 above.

Regarding claim 28, this claim have limitation that is similar to those of claim 27, thus it is rejected with the same rationale applied against claim 27 above.

Allowable Subject Matter

7. Claims 7-9, 16-18 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

Reason for indicating Allowable Subject Matter

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art along or in combination fails to teach or make obvious the following limitations:

“the step of generating operates a LLC unit to use a Service Access Point Indicator (SAPI) of a GPRS Mobility Management (GMM) unit to form an empty GMM PDU, and where a mobile station location update procedure is triggered by a Serving GPRS Support Node (SGSN) when the GMM PDU is received” as recited in the dependent claims 7 and 16,

“a Radio Link Control/Medium Access Control (RLC/MAC) unit initiates an uplink Temporary Block Flow (TBF) in the new cell, and indicates to a RLC/MAC of the network if an ACK or an UNACK RLC mode is to be used when transmitting the cell change PDU” as recited in the dependent claims 8 and 17, and

“in response to the MS making access in the second cell, sending a Channel Request that indicates a Cell Update operation; establishing an uplink (UL) Temporary Block Flow (TBF) for transferring Logical Link Control (LLC) Packet Data Units (PDUs) from the MS to the network; in response to the network receiving an unknown Temporary Logical Link Identifier (TLLI) from the MS, sending a message to the SGSN; and based on the message, determining with the SGSN that the MS is located in the second cell” as recited in the dependent claim 22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


rkC

Richard Chang
Patent Examiner
Art Unit 2663

 15/17/05
DERRICK FERRIS
PATENT EXAMINER